

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**EATON VANCE MUNICIPALS TRUST,
EATON VANCE MUNICIPALS TRUST II,
EATON VANCE CORP., and JAMES
B. HAWKES, as TRUSTEES OF EATON
VANCE MUNICIPALS TRUST and EATON
VANCE MUNICIPALS TRUST II**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 4:06CV117-P-B

**DELORES CONEGIE, by and through
her next friend, LAKEISHA CONEGIE**

DEFENDANT

ORDER

This cause is before the court on the defendant's Motion to Dismiss Or, In the Alternative, Motion to Stay [14]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant seeks dismissal on collateral estoppel grounds based on Judge Michael P. Mill's decision in a related case, JPMorgan Chase & Co. v. Conegie ex rel Lee, 2006 WL 1666686, *3 (N.S. Miss. 2006). That case is currently on appeal to the Fifth Circuit Court of Appeals. While the pending appeal does not preclude this Court's consideration of the issues raised by defendant's Motion to Dismiss, the Court concludes that the interests of judicial economy and efficiency militate in favor of a stay. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Dismiss is not well-taken and should be, and hereby is, DENIED. IT IS FURTHER ORDERED that the defendant's alternative Motion to Stay is well-taken and should be, and hereby is, GRANTED. IT

IS FURTHER ORDERED that this case is hereby STAYED pending a decision by the Fifth Circuit's in the above-referenced matter. IT IS FURTHER ORDERED that the parties are to notify the Court within ten (10) days of the Fifth Circuit's decision in JPMorgan Chase & Co. v. Conegie ex rel Lee.

SO ORDERED, this the 17th day of May, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE